



ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

PAUL H. JOHNSON
phone: (212) 356-2656
fax: (212) 356-3509
pajohnso@law.nyc.gov

February 1, 2016

VIA ECF

Honorable Cheryl L. Pollak
United States Magistrate Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Martinez v. City of New York, et al.
16-CV-0079 (AMD) (CLP)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, assigned to represent defendant City in the above-referenced matter. This office writes to respectfully request an enlargement of time from Monday February 1, 2016 to and including Friday, April 1, 2016, within which the City may answer or otherwise respond to the Complaint. This is defendant's first such request. Plaintiff's counsel, Baree N. Fett, Esq., consents to the requested enlargement.

In the complaint plaintiff Rosie Martinez alleges that on January 22, 2015 she was subject to use of unreasonable force by members of the New York City Police Department. Plaintiff also asserts similar and related claims under State law.

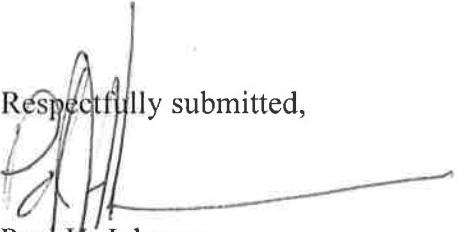
Plaintiff served the Complaint upon the City on or about January 11, 2016, and the City's deadline to answer is therefore on or about February 1, 2016. It is our understanding that the records of the underlying arrest may be sealed pursuant to New York Criminal Procedure Law § 160.50. Plaintiff also alleges physical injuries and therefore defendant City must also request medical records. While defendant has received the proper releases from plaintiff, defendant City must still receive the underlying documents from the relevant agencies, which include the police, criminal court and District Attorney's Office as well as relevant medical providers, in order to properly investigate the allegations of the Complaint and fulfill our obligations under Rule 11 of the Federal Rules of Civil Procedure.

For the foregoing reasons, the City respectfully requests that the Court enlarge its time, to answer or otherwise respond to the Complaint to and including April 1, 2016.

Thank you for your consideration herein.

cc: Baree N. Fett, Esq. (**via ECF**)
Attorney for Plaintiff

Respectfully submitted,


Paul H. Johnson
Assistant Corporation Counsel
Special Federal Litigation Division